



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
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October 20, 2015

Ms. Jennifer Russell
Business Manager
Department of Neurology
LSU Health Sciences Center -Shreveport
jrusse1@lsuhsc.edu

Re: Ethics Board Docket No. 2015-917

Dear Ms. Russell:

The Louisiana Board of Ethics, at its September 18, 2015 meeting, considered your request for an advisory opinion as to whether you, the Business Manager of the Louisiana State University Health Sciences Center-Shreveport (LSUHSC-S), Department of Neurology, may continue to work for Acadiana Computer Services (ACS) now that LSUHSC-S has entered into an emergency contract with ACS. You stated that you have been working part-time with Acadiana Computer Services for the past six years, which has disclosed through the PM-11 process. You stated that your job with ACS is performed out of the ACS-Shreveport office; however, your work involves coding pathology reports from Lalie Kemp Hospital, New Orleans East Hospital, University Hospital & Clinics at Lafayette General Hospital, St. Charles Clinic, and the surgical pathology cases signed out at LSUHSC-New Orleans by both LSU and Tulane pathologists. You stated that you are supervised by the COO for ACS and head of the New Orleans Faculty Practice Plan from the ACS Metairie Office.

You stated that LSUHSC-S recently entered into an emergency contract with ACS which expires September 30, 2015, but it is possible that an extension will be entered into. The ACS emergency contract with the clinical departments will necessitate interaction by you, as business manager, with the ACS Shreveport Office. ACS will now perform billing and collections for most clinical departments, including neurology. You stated that you will serve as the liaison between ACS and the physicians in your department. You stated that you will be responsible for getting signatures, making coding corrections, etc. Your interaction with the ACS Shreveport Office will be the same as the other clinical department business managers.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit your continued employment with ACS while you serve as the Business Manager of the Louisiana State University Health Sciences Center-Shreveport, Department of Neurology and at a time when ACS has a contract with LSUHSC-S. **La. R.S. 42:1111C(2)(d)** provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess

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of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are: (d) Neither performed for nor compensated by any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency. Ethics Board Docket No. 82-02D provides an exception to Section 1111C(2)(d) of the Code when certain factors are met: (1) the employee must be a salaried or wage-earning employee; (2) the employee's salary must remain substantially unaffected by the contractual relationship; (3) the public servant must own less than a "controlling interest" in the company; and (4) the public servant must be neither an officer, director, trustee, nor partner in the company. Since you meet the factors set forth in the exception, your continued employment is not prohibited.

However, the Board concluded, and instructed me to inform you, that La. R.S. 42:1112B(3) would prohibit you from participating in any matters involving the Department of Neurology and ACS while you are employed with ACS. **La. R.S. 42:1112B(3)** states that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest. However, La. R.S. 42:1112C provides a method to avoid a conflict of interest under La. R.S. 42:1112B(3) by allowing you to submit a disqualification plan appointing another employee to handle the duties involving ACS. Enclosed herein is a copy of the La. R.S. 42:1112C and the Board Rules advising how to submit a disqualification plan for approval by the Board.

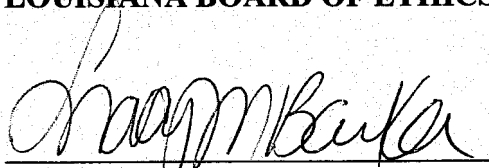
In addition, the Board concluded, and instructed me to inform you, that you will be required to file annual financial disclosure statements with the Louisiana Board of Ethics pursuant to La. R.S. 42:1114 disclosing the income you receive from ACS while ACS has a contractual, financial, or business relationship with your agency. **La. R.S. 42:1114** provides that each public servant and each member of his immediate family who derives anything of economic value, directly, through any transaction involving the agency of such public servant or who derives any thing of economic value of which he may be reasonably expected to know through a person which (1) is regulated by the agency of such public servant, or (2) has bid on or entered into or is in any way financially interested in any contract, subcontract, or any transaction under the supervision or jurisdiction of the agency of such public servant shall disclose certain information as set forth in Section 1114.

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This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

A handwritten signature in black ink, appearing to read "Tracy M. Barker", is written over a horizontal line.

Tracy M. Barker
For the Board